

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:03cr128
vs.	:	1:08cv150
	:	District Judge Susan J. Dlott
TIMOTHY SMITH,	:	
	:	
Defendant(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Chief Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on July 22, 2008 a Report and Recommendation (Doc. 106). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 107).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, the Motion for Leave to Appeal *in forma pauperis* (Doc. 105) is **DENIED**.

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge